

CUSTOMER NO.: 24498
Ser. No.09/807,697
Office Action dated: 12/04/06
Response dated: 07/06/07

PATENT
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Remarks/Arguments

Claims 1-4, and 6-12 are pending. The claims have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

Rejection of claims 1-12 under 35 USC 102(e) as being anticipated by Akiyama et al (US Pat. No. 5805699)

Applicants submit for the reasons discussed below that present claims 1-4 and 6-12 are not anticipated by Akiyama.

Claim 1 has been amended to recite:

... encrypting the digital data representative of audio and/or video content from said source of digital data using an encryption key dependent on a serial number contained in said medium to obtain data encrypted specifically for said medium ... (emphasis added)

Applicants submit that Akiyama fails to disclose or suggest at the least the above – emphasized limitations of claim 1.

First, the claim has been amended to more specifically recite that the encrypting applies to the **digital data representative of audio and/or video content** from the source of digital data using an encryption key dependent on a serial number contained in the medium. That is, the encryption applies to the 'useful' content from the source of digital data, not merely an identifier or other parameter associated with the content itself.

Akiyama fails to disclose or suggest such a limitation. Rather, the portions of Akiyama cited by the examiner apply to encryption of an identifier associated with the content rather than the content itself. In this regard, the office action refers to the process of generating a certificate code using a software identifier and storage medium identifier, in combination with a certification key REYc as corresponding to the formatting step. In particular, the software identifier SIDI and storage medium identifier IDk are supplied to a signature generator that generates the certificate code CS using a certification key REYc. The certification key REYc

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operates as a private key (col. 6, lines 1-7). Here, Akiyama discloses encrypting an identifier associated with the software, **not** the software itself.

Applicants submit that encrypting an identifier associated with the content does not correspond to encrypting the content itself. The data representative of the audio and/or video content as recited in amended claim 1 differs from the identifier mentioned in Akiyama because such data itself is used to generate the audio and/or video output signals that represent the content. By contrast, the identifier of Akiyama is a parameter associated with the content and cannot be used to generate the output signals representative of the content.

Further, as demonstrated in the annex attached to applicants' response dated September 25, 2006, such a difference results in a clear structural difference between the claimed invention and the teachings of Akiyama. Specifically, encrypting data using an encryption key dependent on a serial number of the recording medium according to the present invention results in a data formatted specifically for each recording medium. That is, the encrypted data that corresponds to the content for each medium is different dependent on the serial number of the recording medium. By contrast, the encrypted **content** according to Akiyama is same for each medium because the content data is encrypted using the same encrypting key Kd (which is not dependent at all on the storage medium identifier). Once the key Kd of Akiyama is recovered, a malicious user can decrypt the content stored on any recording medium. Thus, applicants submit that the encryption process, as well as the result of the encryption, of amended claim 1 is distinguishable from that disclosed in Akiyama.

Further, applicants submit that even assuming arguendo that the software identifier SIDI somehow corresponds to the digital data corresponding to the audio and/or video content, the encrypting step recited in amended claim 1 is distinguishable over the encryption disclosed by Akiyama. As mentioned above, the certificate code is generated using the software identifier SIDI in combination with storage medium identifier IDK, and certification key REYc. The certification key REYc operates as a private key. That is, the certification key KEYc (which is not dependent on the storage medium identifier IDK) is used to calculate a signature (by compression) of the SIDI and the identifier IDK. As such, the

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software identifier SIDI is **not** encrypted using a key that is dependent on the identifier IDk.


In view of the above, applicants submit that Akiyama fails to disclose or suggest each and every limitation of amended claim 1, and as such, claim 1, and the claims that depend therefrom, are not anticipated by Akiyama.

Claims 7, 11 and 12 have been similarly amended as claim 1, and are believed to be not anticipated by Akiyama for at least the same reasons as discussed above with respect to claim 1.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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